

REMARKS

Claims 1-5 and 10-20 remain pending in this application.

The Examiner has acknowledged the request for continued examination and has appropriately withdrawn the finality of the previous Office action.

Claims 1, 4, 10, 15 and 18 have been amended to more clearly point out the invention. The amendment to claim 1 is supported at page 16, line 22 to page 17, line 4 (paragraph 0088 of the published application) of the specification, whereas the amendments to claims 4, 10, 15 and 18 are supported at page 19, lines 5-9 (paragraph 0095 of the published application) of the specification. Accordingly, no new matter has been introduced by these amendments.

Applicants acknowledge, with appreciation, the thorough and detailed Office action mailed August 8, 2007. The detailed analysis of the teachings of Ashley et al. was very helpful.

Rejection - 35 U.S.C. § 112

Claims 1-5 and 9-20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite as the metes and bounds of the terms "limited angular range" was allegedly unclear. Although applicants disagree that these terms are unclear in the context of the claimed invention, these terms have been deleted from claim 1 to render the rejection moot. Accordingly, this rejection should be withdrawn.

Anticipation Rejection - 35 U.S.C. § 102

Claims 1, 2, 10-13 and 18-20 have been rejected as being anticipated by Ashley et al. (U.S. Patent No. 5,740,792). While applicants do not necessarily agree with all of the detailed analysis of the teachings of Ashley et al. provided by the Examiner, claim 1 (and all other claims pending in this application that are dependent on claim 1) has been

amended to recite that the flat surface of the drug carrier is raised to form an arc-shaped sliding portion such that the sliding portion alone contacts the bottom surface of the surrounding portion of the drug discharge aperture of the supply member when the measuring recess moves in the circular manner. These features, described at page 14, lines 9-16, page 16, line 22 to page 17, and for example, at Figs. 9 and 12.b of this application, are not taught or suggested by Ashley et al.

As noted at page 2, lines 10-14 of the specification, static electricity is generated when the drug carrier slides which causes powdered drug to adhere to the inside of the powder inhalator. The feature added to claim 1 address this problem and decrease the static electricity generation. As described at page 14, lines 9-16 of the specification, the sliding part (4e) can reduce an area contacting the bottom surface of the surrounding portion of the drug discharge aperture of the supply member when the measuring recess moves in a circular manner to thereby reduce static electricity generation that would otherwise occur.

Finally, as to claims 10 and 11, Ashley et al. further does not teach or suggest the addition of a conductive filler to a member so as to leak static electricity as now recited in these claims. Accordingly, since Ashley et al. neither teaches nor suggests all the features now recited in the rejected claims, this rejection should be withdrawn.

Obviousness Rejection - 35 U.S.C. § 103

Claims 3-5 and 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ashley et al. While applicants take issue with dismissing differences between the claimed invention and the prior art as mere obvious design choices in the absence of any showing to establish that the claimed choices were known to those skilled in the art at the time the invention was made, these claims also patentably

distinguish over the teachings of Ashley et al. for the same reasons that are discussed above with respect to claims 1 and 10. Accordingly, since Ashley et al. does not establish a prima facie case of obviousness, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application in view of remarks above is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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